

DRAFT

The purpose of this outline is to propose a possible structure for a revised ch. NR 445 that would more clearly convey the intent and requirements of the rule. While it attempts to conceptually consider the proposals discussed at the NR 445 Technical Advisory Workgroup meetings it is not intended to imply that any final decisions on those proposals have been made by the Department, nor describe in detail how any proposal might be presented in a rule proposal. It is for discussion purposes only.

Applicability/Purpose – NO CHANGE

Definitions – ADDITIONS

Added for clarification, possible examples: Laboratory, Gasoline dispensing, New source, Modified source

General Limitations - NO CHANGE

Emission Standards - MODIFICATIONS

New, modified and existing sources:

New table would be developed containing thresholds, standards and averaging times (see sample table format). This table would replace Tables 1, 3, 4 and 5. Redundant language contained in 8 separate subsections as to how to calculate the acceptable ambient concentration and how to apply BACT and LAER would be consolidated. Chemicals and compounds classified as pesticides, rodenticides, insecticides, herbicides, fungicides or pharmaceuticals would not be included in this table and their respective standards would not apply to new, modified or existing sources unless they were a manufacturer or processors of them.

Manufacturers and Processors of Pesticides, Rodenticides, Insecticides, Herbicides or Fungicides

Current Table 2 would be modified to the same format as the above-described table. Standards for these chemicals and compounds would only apply to their manufacturers and processors. This table could contain carcinogenic compounds if it was determined that they fit this classification (pesticide, rodenticide, etc.). Note: these standards are additional to any applicable new, modified or existing source standards for these manufacturers and processors.

Manufacturers and Processors of Pharmaceuticals

New table would be developed following the same format as the above-described table. Standards for these chemicals and compounds would only apply to their manufacturers and processors. This table could contain carcinogenic compounds if it was determined that they fit this classification (pharmaceuticals.). Note: these standards are additional to any applicable new, modified or existing source standards for these manufacturers and processors.

Incinerators

Current rule language would only be modified to reflect the new table designations.

Wood Combustion

Rule language could be developed to codify the Department's definition of good combustion technology. This language would replace the current exemption language with what is better described as an emission standard. The option currently available for a source to ask for the Department's approval for a different definition of good combustion technology, on a case-by-case basis, would be retained.

Exemptions- MODIFICATIONS

Redundant language contained in 8 separate subsections would be consolidated.

Compliance Requirements- MODIFICATIONS

Compliance Demonstration Language would be consolidated and additional language related to current proposals would be developed (e.g., modeling off-ramp, ability to cap emissions). All determinations currently allowed by the rule would be retained.

Compliance Extensions Ability for existing sources to apply for and be granted extensions from compliance deadlines would be retained. Language would be modified to the extent necessary to work with new rule structure. New and modified sources would not be able to obtain extensions, consistent with current rule requirements.

Compliance Schedule for Existing Sources New language would be developed to reflect new rule standards and requirements. Outdated language would be removed.

Variance- MODIFICATIONS

Language would be consolidated into one subsection and modified only to the extent necessary to work with new rule structure. Requirements would remain the same.

Hazardous Air Contaminant Review- MODIFICATIONS

New language would be developed to describe a process to update the chemicals and emission standards in the chapter on a routine basis.

New language would be developed to describe a process to deal with significant sources of emissions of the 17 chemicals having TLV's >99 ppm excluded from this regulation, on a case-by-case basis, when the Department deems necessary.

New language would be developed to describe the current practice of estimating the maximum off-site impact of carcinogenic chemicals and compounds in BACT and LAER reviews.

Requirements to work with the Department of Health & Family Services on specified issues would remain unchanged.

References would be corrected and updated. Obsolete language related to completed special studies would be removed.

Hazardous Air Contaminant Special Studies - NEW

New section or subsection to describe desired special studies would be developed.

Hazardous Air Contaminant Limitations – NO CHANGE

Notice of Hazardous Substance Air Spills – MODIFICATION

New language would be developed to better clarify program requirements and eliminate conflict with other Department regulations.

Sample Table Format

Hazardous Air Contaminant Table for New, Modified and Existing Sources

Contaminant	CAS	Short-mid-tall Stack Thresholds			Emission Standards	Averaging Time
		<25 feet	25 feet to <75 feet	≥ 75 feet		
Ammonia	7884-41-7	0.935 pounds/hour	3.63 pounds/hour	28.2 pounds/hour	418 ug/m3	24 hours
		17,769 pounds/year	73,000 pounds/year	612,587 pounds/year	100 ug/m3	annual
Benzene	71-43-2	228 pounds/year	936 pounds/year	7,854 pounds/year	LAER	annual

Hazardous Air Contaminant Table Which Are Pesticides, Rodenticides, Insecticides, Herbicides or Fungicides

Contaminant	CAS	Short-mid-tall Stack Thresholds			Emission Standards	Averaging Time
		<25 feet	25 feet to <75 feet	≥ 75 feet		
Aldrin	309-00-2	0.0134 pounds/hour	0.0522 pounds/hour	0.405 pounds/hour	6.00 ug/m3	24 hours

Hazardous Air Contaminant Table Which Are Pharmaceuticals

Contaminant	CAS	Short-mid-tall Stack Thresholds			Emission Standards	Averaging Time
		<25 feet	25 feet to <75 feet	≥ 75 feet		
Adriamycin	23214-92-8	10 pounds/year	10 pounds/year	10 pounds/year	BACT	Annual